

Application submitted by Earl W. Duval, Esq., on behalf of the applicant, Industrial Communications and Electronics, Inc., for review of a site plan for a proposed wireless telecommunications facility consisting of a 120' monopole, a 10'X12' equipment shelter, and 100'X100' fenced compound. The property is located in the Rural Zone. Continued from the June 20, 2006 hearing.

Motion made by J. Crouse to accept Case#P06-42 on a conditional basis for discussion, seconded by C. Blackstone. Motion passed with all in favor.

Earl Duval – With me tonight I have Donald Cote – Director of Operations for Industrial Communications, Kevin Delaney – FR Propagation Manager for Industrial Communications, Jacob Warner – RF Engineer with Giant Solutions on behalf of RCC, Ken Kezara – KJK Wireless on behalf of US Cellular, Dan Goulet – RF Engineer, and Eric Stern – Attorney with Duval. We have with us a Power Point presentation, we have longed to give for quite some time and we are very thankful for that opportunity. I would like to briefly go through the Power Point presentation. Don is going to give a brief overview of the applicant, what we are proposing to do and why. Kevin will then go over the site investigation and analysis for each location and then they will go through the existing coverage and the proposed coverage from the two facilities. Don will then briefly review the site plan application that has been filed. We had early on conducted a balloon test and took several photos from various advantage points throughout the town. We superimposed the monopole. We would also like to discuss the safety concerns and the benefits to the proposed facilities. Not knowing what the format might be, we have tried hard to come up with a presentation that is an overview of the applications. We understand that there will be more acceptances as we go forward. For your professional courtesy with letting us get through as much of our presentation as we can, I think it will be very beneficial for you to see an overview of the presentation before we get into the specific issues that everyone will want to discuss.

Don Cote – I am the Director of Operations for Industrial Communications. We are a privately owned company that's been in wireless communications for well over 25 years. We started before cellular and PCS. We have adapted over the years to the changing market. We still provide commercial two-way radio communications and have several substantial tower locations within the state. There are nearly 80 towers throughout New England. We have become the facilitator to work with towns to provide coverage within those towns that services all of the carriers in one or two locations (whatever is needed) to service that town. We work towards getting a facility up and built and running with service provided in the best possible way. We started this process over two years ago. Kevin who use to live in this area took the role of finding us a suitable site to fill the gaps that are within this area. One site will not provide that service. The previous ordinance only allowed four locations. We looked at those, it was a good idea but it was an idea that was based on old technology and simply could not provide coverage in the areas people live and use their services. During that time, the town needed to stop and look at its growth patterns. We got caught up in that and waited for the new by-law to be written. During that time we had purchased property and entered into leases and we knew what the technical needs were. We had hoped that the by-law would facilitate those technical needs, in part it did. It went from four limited locations within the town to opening the town in its entirety to potential locations. We also look at the town as an entirety

and how we can service the town as a whole. We can't change what was already here but we can offer opportunity for the future. We are going to talk about how do we fill the needs for the entire town. At least for the services that are available today for the technology that is available today. That is why there are two applications before you tonight.

Kevin Delaney – I am the RF Propagations Manger for Industrial Communications. I will show you a series of maps this evening. This first one will display the coverage gaps for the individual carriers. A propagations study is a coverage map of predicted coverage based on a computer modeling and what it does is you enter site information such as latitude and longitude, ground elevations, antenna heights, cable types, and it gives you predicted coverage for a proposed facility. The first map is RCC's coverage gap. RCC has existing coverage in town and they are located on Prospect Mountain tower. It provides coverage to the southern part of Alton. RCC has very unreliable to no coverage in other parts of the community. The next map represents US Cellular's coverage gap. Their location is on Prospect Mountain also as well as in Wolfeboro. The Prospect Mountain facility provides coverage to the southern portion of Alton. The Wolfeboro site provides coverage that is spotty to the northern portion of town. We also looked at a property on top of Evans Hill at the request of the Zoning Board. The site at East Side Drive and Wolfeboro Highway were the only sites available to lease or purchase that provided sufficient coverage to close the coverage gaps for RCC and US Cellular. The following maps are sites that we looked at over the last several years. The properties that we looked at are as follows:

1. Map 11 Lot 25 owned by Peter Long, there was no response from him.
2. Map 11 Lots 46 & 47 owned by Mr. Jones – it was a nice piece of property but didn't provide sufficient coverage to Route 28.
3. Map 12 Lot 39-B owned by Joan DeRoche – letter sent with no response.
4. Map 12 Lot 59 owned by Ruthann Barnet – letter sent with no response.
5. Map 12 Lot 60 owned by Lorraine Michaud – not sufficient coverage for this proposed area.
6. Map 14 Lot 22 owned by Roger Carter, Jr. – Nice property but there wasn't any area for a fall zone.
7. Map 14 Lot 22-4 owned by Bayview Forest & Development – too low in elevation
8. Map 15 Lot 5 owned by Carol & Tom Murtagh letter sent with no response.
9. Map 15 Lot 1 owned by Mrs. Slade – letter sent with no interest in selling or leasing the property.
10. Map 19 Lot 31 owned by Alice True Irrevocable Trust – this owner was interested, however there were issues regarding access.
11. Map 18 Lot 34 owned by Mr. Preston – there was no response from the property owner.
12. Map 21 Lot 31 owned by Fowler – there was no response from the property owner.
13. Evans Hill Site – it didn't meet the needs for the carriers and there was no response from the owner.
14. St. Katherine's – the area didn't provide sufficient coverage and there was no response from them.
15. Free Will Baptist Church at the East Alton Meeting House – this area was set back and would not provide sufficient coverage.
16. Town Hall – didn't provide sufficient coverage
17. Community Church – didn't provide sufficient coverage

18. Community Church on Route 11 – didn't provide sufficient coverage

Because no other sites were available, we looked for areas where we could build a tower that would provide coverage for RCC and US Cellular. The properties we came up with that would work were 486 East Side Drive and 1439 Wolfeboro Highway. What Industrial Communications is proposing to do is to build 120' monopole tower.

D. Cote – We look to find the solution for the town in its entirety. We located a piece of property that was for sale on East Side Drive. We try to find property that is going to cause the least impact. We prefer to own the property if we can. We do that because then we can control what is around the property. There are times where we have to lease. We do that in terms of its potential future use and how that will impact the future of the site and the people in the area. The East Side Drive site is 28-acres. We only need 10,000 square feet. Having the 28-acres gives us a substantial buffer zone from neighbors and the visual impact. If you look at the site plan, there is a substantial road that needs to be cut in, part of it is an existing path. The cost of that is substantial. We do that because it is a long-term investment. This is a heavily wooded and heavily treed area that will buffer 100% of the lower portion of this tower by the trees. The facility itself, the fencing, buildings, and equipment will not be seen by anyone from one of our property lines. The top of the tower will be seen. We think this is the best site that was available to covers that region. We were not able to find a piece of property for sale that met the technical needs. We did find a piece of property that was being used for commercial purposes that is remote from other residential areas. These two sites, we feel from a technical stand point meet the needs to cover the town. From a by-law stand point, they are properly located and they have the least impact on the town as a whole. D. Cote – For these two sites we are proposing 120' monopole. It is a single structure, ~5' at the base and 18" at the top. When we do the balloon test, the balloon will be wider than the tower. The balloons are ~3'-4' wide.

W. Keniston joined the meeting.

K. Delaney – We did a photo simulation test back in June of 2005. We put a balloon up at 120' and then photos were taken at different locations within the town to see what kind of impact there would be. We took exactly where the balloon was and superimposed the monopole tower location. In order to see the tower in the pictures we had to superimpose them 10 times. The first location was from the swimming area on Route 11 and it was not visible from that location. The second location where it was visible from was on Route 11. The next location was Alton Mountain Road where it was visible from. Location 4 was from Route 11-D and it was visible from this location. The above 4 locations were for the proposed East Side Drive facility. Next is the Wolfeboro Highway Facility. This is on Route 28 at Robert's Knoll Campground. The site was visible from Drew Hill Road. There is a glimpse peaking over the tree line from Drew Hill Road and Hayes Road.

D. Cote – Towers are designed by engineers not to fail. There is a tremendous amount of steel, concrete, and expertise is used to build these facilities. They are designed to carry icing and high winds without failure. If it were to fall, and it won't, it can't make it to the property line. This is why we like to own the property, because we can control all of that. We

do build our own towers. As for traffic impact, like any construction site there is activity and after that the property is not manned. Once or twice a month the technician will show up and during the growing season someone will show up to cut the grass and check the grounds to make sure it is maintained. It would be remotely monitored. We would know when someone enters the facility and we would know if it is not our crew up there then we would contact public safety. The buildings have fire suppression in them. There is no hazardous waste at these facilities and there are no septic systems. We require Telco telephone and electricity. Once the site is built it becomes obscure. There is no additional activity. We are not increasing demands in the school system but we do pay substantial taxes. We do purchase substantial amounts of property when we can. I feel we are a dormant neighbor.

Public Safety

This is an area that a substantial amount of people come to every year. Numerous amounts of people everyday dial 911 on their cell phone. There are 10's of thousands of calls made every day. Public Safety is a critical part of what we are offering. These sites are remote. There are thousands of feet away from others, and even if they weren't the FCC regulates that. That is something the board cannot consider. We are well in compliance of FCC regulations. If the tower was transmitting at full power with all of the antennas working at the same time, we would still be less than 1/2 of 1% of that which is a safe margin under the FCC rules and guidelines. It is not a radio frequency safety issue and it is not something the board even looks at.

J. Dube – I would like to ask the Fire Chief to come up and address his concerns or comments if any.

Alan Johnson – I am the Fire Chief for Alton. I feel that the towers are needed to enhance the coverage for public safety. (The rest of the tape was inaudible).

Mark Hutchins – Radio Frequency Engineer. The applicant looked at alternative locations based on the Town Forester analysis. All services talked about are high frequency. I would like the Town Forester to see the balloon tests.

D. Cote – The trees are higher at the Robert's Knoll Campsite location than the East Side Drive location. Everyone will get a better sense after the balloon test. The pine tree design draws attention to itself being above the trees more than the towers do. Keep in mind that Homeland Security has money to make the upgrades happen. The sites will have fencing around them with motion detectors to keep trespassers out. We will comply with the FCC guidelines. These are the two best sites to go with.

T. Hoopes – What is the requirement for locations?

M. Hutchins – ?

T. Hoopes – If you allow more towers that are lower it would be less of an impact.

M. Hutchins – you can't discriminate, the applicant can't be denied to provide service.

J. Dube – Let's see the balloon test and go from there. It will give us a better visual for the proposed towers.

BALLOON TEST DATE: SATURDAY, SEPTEMBER 30, 2006 @ 9:00AM
RAIN DATE: SUNDAY, OCTOBER 1, 2006 @9:00AM

J. Bureau – Who determines the bad weather?

J. Dube – that will probably be determined the day of the test.

T. Kinnon – So we can meet at Town Hall at 8:30am the day of the test.

J. Dube – We would like to see the balloons at the following heights:

For 75' we would like to see a balloon at 85'

For 85' we would like to see a balloon at 95'

And we would also like to see a balloon at the proposed height, and that would be the same for the Robert's Knoll campground Site.

B. Dunbar – I would like to see the balloon test from the water in a boat.

J. Dube – I think Alton Mountain Road would be a good place to view from.

E. Reitter – It will take ~2 hours to view from all of the sites.

W. Keniston – I would like to see the balloon test from a boat, the scenic vista, a house, and Mount Major.

D. Cote – Clearly you will see the towers from these locations as you discuss it. I would also like to point out that you will see many other towers because you have a vista. Also, we are on a ridgeline. We are not talking about cutting trees and putting up a 4000 sq. ft. house, we are talking about a piece of steel 18" in diameter. You are going to see the tower. Visual impact is what we will end up talking about.

W. Keniston – 18" in diameter plus armatures. How far out do those go?

D. Cote – They go out 6'.

J. Dube – We will have Monica e-mail the boards with a list of different places to view the balloon test from and she can hand those places out to others the morning of the balloon test. Does the board any other questions for the review engineers?

P. Monziona – Mr. Hutchins you said that under federal law that no town may prevent a service provider from erecting a tower if the service provider can demonstrate that as the

situation currently exists there is a substantial gap in coverage. Do you have a definition for substantial gap?

M. Hutchins – In my first report I tried to go into that citing. There was one court case that said the expectation of the Telecom Act wasn't that we cover every Cul-de-Sac. That was about 1999. It was very clear that there needed to be adequate coverage but they really haven't defined that, but we are starting to move in that direction. Adequate coverage needed to be on commuter highways (major highways) and I have taken that to be that 28 and 28A would certainly qualify if we look at traffic counts. I also in my report talk about the issue of driving in a car. There was a court decision about a year ago in Dunbarton, which really clarified that we need to also consider there be coverage inside vehicles and in Dunbarton they needed a tower tall enough for people to have coverage inside their houses. Right now we are looking at a major section of 28 that has a gap for Unicef and US Cellular.

P. Monziona- Is there a limit to how many providers may share the type of tower that is being proposed here?

M. Hutchins – I don't know if there is a limit other than if we go down too much into the trees, because we are talking about high frequency services it is just not going to work. The applicant will have to fill me in on how many provider levels is the maximum on these towers.

P. Monziona – Each antenna that is connected to the tower is for a single provider?

M. Hutchins – As a general rule, but we have had some success with dual spectrum antennas if we have someone like Cingular who has now purchased ATT Wireless. There are companies that can use one set of antennas but there are limitations to how well that will work.

T. Hoopes – Would you say that the former zoning ordinance or the current zoning ordinance allows for better coverage to fill in the gaps?

M. Hutchins – There are issues as to defining the tree canopy and limiting the height above the canopy and that is very problematic as to how effective that is. I feel that having the antennas only 10' above the tree canopy is going to be a problem.

J. Bureau – Vertically, how high are those panels?

M. Hutchins – there really isn't an average, but they tend to be between 3'-6' sometimes 8' and they can be as much as 10', and that depends on the coverage goals.

W. Keniston – How many major companies at this point are offering cell service that this town is supposed to make adequate coverage for?

M. Hutchins – 6 is a good rule of thumb, but keep in mind though that wireless internet service providers use antennas that are similar and sometimes look almost identical and that there is a lot of interest in accommodating those providers as well. They are not licensed by the FCC,

but they are covered under the Telecom Act so that a legitimate wireless internet provider would have an expectation to provide coverage and they would need similar antennas.

W. Keniston – So we are talking about the potential at 10' intervals per company with the potential of 60' above the canopy plus a 10' pad.

M. Hutchins – If that were to go on one pad, yes.

W. Keniston – How high can a tower be before it requires nighttime illumination?

M. Hutchins – 200', but sometimes the FAA because of air safety requirements will require lighting at a lower height. Everything at 200' and above has to have lighting.

J. Crouse – Will Mr. Hutchins be at the next meeting?

J. Dube – I am understanding that they will be back pretty much through the whole process.

J. Dube – 8:45pm we will take a short break and resume in 10 minutes.

J. Dube – 8:55pm we will resume the meeting. I would like to open the meeting to the public and please do not repeat what the person before you has already said. If you agree with them then you can say that you agree. We only have so much time and the meeting will end at 10pm, it is in the Planning Board By-Laws and that will be our cap on time.

David Slade – I am an abutter to the East Side Drive property on Miramichie Hill. That is a very historical site for the town. I feel very strongly about preserving the environment there. I have nothing against cell phones, I am a lawyer. We have to look at the new ordinance that the town has passed. We need to do this in a way that will not dominate view sheds to preserve the scenic views of the town. It encourages more facilities to that end. What it is expressly against is tall cell towers on the tops of view sheds that would dominate the town. This application flies in the very face of the ordinance and I believe if the Planning Board takes a look at the ordinance and this application, it has to conclude that this application at least at this stage should simply be denied. The town should work pro-actively with the two real cell provider to find them adequate coverage working with multiple sites. The application should be denied at this time because the applicant hasn't cooperated and complied with the express provisions of the ordinance. The ordinance is very clear as Mr. Hutchins pointed out in a letter dated August 1, 2006, that there has to be an effort made by the applicant to look for alternative in existing sites. They are supposed to send certified letters. They say in their materials that they contacted me and I never received a letter. The idea of this ordinance is that the applicants should be looking at multiple sites. They haven't conducted any serious effort, as this ordinance requires to put together multiply sites to get to the same objective. Instead, what they want to do is to come up with one site as high as possible that will cover as much area as cheaply as possible. The primary applicant owns the property. It is not the case that the town must accommodate every provider that comes into this town looking for a site. There is very clear case law on this, I don't have it right now but I will send it to the file. I would like to quote this Amherst Case, which is a federal court case "ultimately we are in the

realm of trade-offs, on the one hand there are the opportunities for the carrier to save cost and reduce the number of towers, on the other are more costs, more towers, possibly less offensive sight and somewhat shorter towers. The carrier may think from an aesthetic standpoint its solution is best, but subject to outer limits, such choices are what Congress reserved to the town. We have a good ordinance here, it has been upheld constitutionally and there has to be a more serious effort to look at each one of these owners along Route 28 and look at the steeples and see if something else can be put together that hasn't been done. There is an express provision in the ordinance saying that there cannot be a new site that will dominate the view shed. All of this technical advise we are getting even from the Town Engineer, indicates there is no way this tower is going up. There is no purpose in putting it up unless it is 120'. Why are we having the balloon test? We know it is going to dominate the view shed, and that is what the ordinance prohibits. There is another provision in the ordinance, which is critical to me which says there cannot be a site chosen unless it can be protected by a dense year round buffer from all abutters so as not to be seen. I have enclosed in the materials for you an appraisal I have obtained that shows from our border this is going to be plainly visible no matter what they do. There are not dense woods up there it is very sparse. The town passed an ordinance to solve the problem constitutionally that the TCA put before it and they chose a path of more but shorter towers encouraging providers to go wherever they needed, but this application is an antique old fashion application that ignores completely what the town has done. I am going to put the tower in the tallest most conspicuous place overlooking the bay, unavoidable and you need to do it. The town doesn't need to do it, instead what this board needs to do is enforce the ordinance, which it has before it.

J. Dube – The process that we are going through is under the advisement of Town Counsel and that is how our counsel has ruled on it and that is how we are going to proceed. In our new ordinance, what it calls for, for them for the burden of proof is to look into existing structures. It is not just an open piece of land somewhere else, their actual burden is to show existing structures.

D. Slade – They didn't do that. They didn't send letters to any of these existing structures. Mr. Hutchins notes himself that they didn't carry that burden in his file. They sent in something showing studies.

J. Dube – I am not arguing the fact that we don't have certified stubs here saying that they sent these or anything else. I am saying the actual burden is for existing structures only and it is not for other pieces of land through out the town.

D. Slade – I think it does say that they have to send letters to potential site owners.

J. Dube – A, B, &C all list existing structures in each one. I am not arguing the fact that we don't have certified copies.

D. Slade – The applicant shall submit to the board a list of all contacts made with owners of potential sites regarding the availability of potential space for a wireless facility.

J. Dube – If the Planning Board informs the applicant that additional existing structures may be satisfactory, the applicant shall contact the property owners of those structures. Granted that first sentence isn't written very well but the intent of that sentence is existing structures only. Section 4.3 burden of proof.

D. Slade – My point is that the clear point of the ordinance is the reason why it opens up every zoning district to potential facilities is that they should be spread around the town and be smaller ones.

Russ Wilson – Alton resident – Under the Forester's report the average tree height on the East Side Drive side is 61', so keep it in mind when you discuss doing your balloon test. The antennas stick out from the tower ~6' but if you drew a diameter around the triangle shown for the three quadrants, it makes a diameter of about 12' beyond the 18". When you have a 4' diameter balloon you are ~1/3rd the size of what is actually is going to be up there. The pictures that were shown tonight were taken when the sky was overcast and I feel the photos were misleading. The trees that are in the way they can cut them; they are on their property, we can limit the tower to 10' above the canopy and cut the trees that are necessary and still the overall picture of the ridge will be a good one rather than having a tall monstrous tower that, because 1 or 2 trees are blocking the propagation of the radio frequency waves. This is a compromise that you could work out. Enforce the ordinance. Cut down specific trees. Trees grow 1/2' to 1' a year, they own the property, we could have a trimming program or a maintenance program to maintain that skyline. This is our skyline that you need to protect. People have moved here for that reason. People who live here and their families have lived here for over a 100 years have signed the petition that they don't want a 120' tower sitting on the ridge. The ordinance was a beautiful thing, please enforce it. I agree with Mr. Slade that significant gap in coverage doesn't mean for on particular carrier in case law, it means if there is a specific gap in coverage that no one can get coverage, someone will be allowed to come in and fill it, so please talk with your Town Attorney on that aspect. We have this expectation of in-house coverage with significant gaps. Almost every house here in Alton is under the tree canopy. No matter how tall the tower is you are going to have a problem because most of the houses are in the middle of a pine grove, the signal just isn't going to get there no matter what you do. A lot of this is crap it is mainly, as Mr. Hutchins said it is along the highway is the most concern. The court realizes that you are not going to get 100% coverage, and I think that Mr. Hutchins in his report said 75% for adequate coverage. No matter what you do with this technology it isn't to the point where you are going to get 100% coverage in your houses, especially when you are in the middle of the woods. Thank you for your time and I hope after the balloon test you will have more public input.

Ernst Luttig – Peggy's Cove Association, Retired Electronic Engineer. During my career I design nuclear research instrumentation and I worked with radar units while in the army. The ability to communicate from one place to another is not only a modern convenience, more importantly it is a way to summon help in an emergency. Right now many people on 28, 28A, and the lake have no way of communicating unless they are in their house. It is important that we get cell service. I live in Florida in the winter about 1/2 mile from a tower farm, after a while people get so use to the towers that they forget that they are even there. The idea of the visual situation is only a temporary thing, people will get so use to the tower being there they

will forget it is there. I see a lot more reasons to support a tower that gives maximum coverage and I can't see a reason for refusing it.

Marilyn Slade – I can't resist commenting, I agree that we do have a 911 issue here, but what is the big deal that can't be achieved by the new ordinance. It should have nothing to do with 120' tower.

Karen Stacey – I take issues with the Power Point part of the health issues. I have been in the medical field for ~20 years. I would like to present a few things to this board that I think people should be quite aware of. I would like to thank the Fire Chief for his service and the service of his men. I commend him for the safety of the public, but I also feel he should be quite aware of the fact that you have to protect the safety of your men. Every time I look at the strobe light on the other tower it makes me further aware of all of the radiation, especially for the people on Alton Mountain Road, we are getting the most power of the rays and the people that are near and eye level are getting tremendous amounts of radiation. You can't use this information as a blanket denial in your decision-making, but you sure as hell can use this information in partial for your understanding of the placement and deciding of these cell towers. I have an IAAFF Report International Association of Fire Fighters Division of Occupational Health Safety and Medicine (August 2004) (See handout in Planning and Zoning files in office).

J. Dube – I think we get the view that the RFMW is extremely harmful. The problem is that it is not in our jurisdiction and I do agree with you that you have the right to voice that to us because you are in the town and we are looking at this tower and I think it is a good point. No matter how much we agree with you it can't be a factor.

K. Stacey – There are a lot of legal rulings cited to say that you can take to a degree, not as a blanket denial, but you are allowed to take into consideration these health effects to the community. The residents of Alton Bay, why they should even be considered to be put in residential areas instead of fields that are not surrounded by homes or people is beyond me, they do present health problems.

J. Dube – Our hands are tied. There is not much we can do with the health concerns, but what we can do is take it into consideration. It is definitely a great reason the follow our ordinance.

K. Stacey – Instead of these huge towers and these huge radiation fields, if it can be suggested and considered upon the board to consider the smaller antennas. Our cities and counties are mandated to protect public health and safety under state zoning laws. Public health is that branch of medicine in the health service, which monitors the health of the population and seeks to maintain it at a high level or to improve it. One of the main strategies is prevention of illness, not causing it. It contrasts to clinical medicine the focus is not on the individual but on the collective level. The goal of the public health service is the promotion of health and the optimal implementation there of at the level of individuals, families, societal groups, and communities. We urge the board to take heed of this information regards to any additional cell tower and antenna citing. None of you on the board or sitting in this room

would want to sit in the shadows of these hazardous giants knowing that their true nature and danger. None of you would knowingly poison your homes and bodies if there were other options available for compromise and choice. Choosing a site for smaller disbursed antennas through out the uncovered cell areas along with repeater allowing communication while reducing the enormous RFMW radiation fields associated with the large towers is the right choice.

Alan Johnson – I did see the article and I believe the initial intent of that article from the IAFF was to look at the cell tower and the radiation factors in the fire stations with the City of Los Angeles. I believe it was putting and mounting cell tower antennas on the fire stations themselves.

Russ Wilson – In regards to cell towers and citing them on buildings that in Australia they just had a case with a rare form of brain cancer, which is one in ten million, they had five people in one building come down with that disease. It seems to be linked to a cell tower citing on that building. With each new frequency that is coming out it seems to be that the biological effects of frequency specific. Each frequency that comes out should be tested by the FDA, but it isn't. There is no research done. When the Telecommunications Act was enacted in 1996, the standards were taken out of the hands of the EPA and put into the hands of the FCC and the EPA that does all of the studies there budgets were cut to \$25,000.00 annually for research. The health guard was taken off of the table for all of the microwave frequencies.

J. Dube – Is there anyone else wishing to speak? Seeing none I will close public input.

J. Bureau – Are there any 120' towers in this area or does your company have any 120' towers in this area?

D. Cote – 120' despite what you are lead to believe is a very short tower. The nearest 120' tower we have is Peterborough.

J. Dube – The Nextel tower is 120'

T. Hoopes – It is not mandated it is allowed.

P. Monziona – Was there a particular reason for the photographs being in the condition they were in? When I saw those they seemed to be murky and done on overcast days. I didn't think they accurately or fairly depicted what we might want to see and I was lead to feel it was done intentionally like that. Is there some reason we didn't get them on a nice crisp, clear day when one could appreciate the view?

K. Delaney – The day we planned it just happened to be a cloudy, overcast day, but that is why we are having the balloon test so everyone can see for themselves.

S. Hurst – You stated you notified some property owners about locating cell towers, yet when Mr. Slade gave us information here, he was on of the folks you said you notified yet he is denying he received any notification. I would like to hear you rebuttal on that.

K. Delaney – He wasn't the owner of the property when we originally notified the owner, it was his mother whom I personally spoke with on the phone, Katherine Fairman and it is noted in the presentation.

D. Slade – spoke from the back of the room and couldn't understand from the tape.
(Inaudible)

D. Cote – I think you have to remember that this application is over a year old and that we originally applied for these facilities under the prior by-law and that this process is been ongoing for a year. The landowners changed in that particular instance, she indicated that she was giving the property to her son, which she has and that is why there is a slight difference in the process of notification. We locate the Assessor's map and locate the property lines from that because there is no other way to do it. Small lakeside lots, lots that are obviously undersized are dismissed at hand. We look at the larger lots. We don't go forward with a predetermined bias toward any particular location other than does it work and how does it comply with the by-law at the present time. At the time we applied the 120' tower was allowed.

J. Dube – One major thing we are missing is Section 4.3(b) – we have your verbal comments saying that people have rejected the offers or you didn't get answers back, but we have no proof and it actually spells out in the ordinance the process we need to go through to have that and that is the burden of proof.

D. Cote – As I stated this application was originally filed under the previous ordinance and under that ordinance we were in compliance.

J. Dube – Now you are under our new ordinance. You can't come under the parts of the ordinance you would like to come under and the other parts. We are under all of the ordinance. That was your choice to do this and now that is the point we are at now and if you contacted these and they said no it wouldn't work than this is a fairly easy request to comply with.

E. Duval – It is existing structures – Burden of Proof and if you take a close look at the affidavit of Kevin Delaney that has 10 tabbed exhibits that there are some of those letters that are crossed off that say I have no interest and notes and all that are sent back.

J. Dube – So when you contacted the Catholic Church and there was no reply there is something in there.

K. Delaney – There is a certified letter in there, but not for all of them.

J. Dube – I haven't seen them, so you haven't submitted them yet?

E. Duval – We have submitted them, this affidavit was submitted. It has been part of the record for quite some time.

C. Blackstone – It still doesn't seem to me that it fits the concept of due diligence. You send a letter and the power point presentation said addressee didn't respond and then you said addressee wasn't interested. I took that to mean that they have gotten a letter and didn't get back to you and it feels different than getting back to you saying I have read your letter and I am not interested in selling or leasing my property.

D. Cote – As you know most of the parcels in this town are owned by people that do not live in this town. We contacted owners of properties that appeared to be in compliance with the by-law, within the area, which we were looking to put a tower because technically it would work. The letters that we sent out are part of the record. Because of the difficulty, getting feedback people have no interest and simply discard the letter. We sent out letters with return envelopes asking to please check yes if interested or no if not interested and mail it back. Some of those people sent them back with no for an answer. Those that said yes we look into those possibilities, and others simply didn't respond. We can't control that process.

J. Dube – These were certified letters, correct?

D. Cote – The ones related to the existing structures were certified letters.

J. Crouse – You said you sent letters to the property owners, did you do that before or after you purchased the property on East Side Drive/

K. Delaney – Before

J. Dube – We need to go through the paperwork and see what has been submitted

M. Perry –talking from the back of room (inaudible)

E. Reitter – If there are specific sites that the board wants them to look at in addition to providing copies of the certified letter, they are ready to do that.

D. Cote – Part of the problem here is that we have been before the ZBA for a year and the ZBA has asked us to go back and look at additional properties through the town's consultant and we did do that. The Planning Board is stepping in to a year long process and there is no way you would have those two books memorized. We are stepping into a dual board now, which was single board for a year.

J. Dube – The intent of the balloon test is to see the sites and what will be there.

E. Duval – I think the issue at one point in time was we sent a letter that outlined and detailed everything that was submitted into record.

J. Dube – Public input is closed right now and you will have a chance to speak at the next meeting.

J. Crouse – In looking at the height at the of the documents, the Planning Board doesn't have all the information.

T. Kinnon – The ZBA members got pretty close to that height. I think there has been some stuff added to make it up to that height. But the Planning Board is missing some significant packages.

J. Crouse – My understanding is since this application is henceforth just before the Planning Board while you may have been dealing with the ZBA for the past year the joint meeting is a courtesy and convenience to you to not have to go through two presentations. Henceforth you will be solely before the Planning Board.

J. Dube – It is a joint board and at the point if it happens that the board doesn't go for the height that they are requesting that is when the ZBA would take over and the Planning Board is out of the equation.

W. Keniston – What form of leasing arrangement had you offered to these folks? Were you looking to lease the elevated portion of the building or the entire building or the entire property?

K. Delaney – It never got that far because they weren't interested in doing any deals. The letter went to the Archdiocese in Manchester because that was the contact on town records.

W. Keniston –Are the other structures new?

K. Delaney – The other structures won't fill in the coverage gap for the town.

J. Crouse – Is there somewhere in the documents existing coverage by other carriers. My understanding is that we are only required to let one provide coverage in this area.

T. Hoopes –In Mark's first report he gives out possibilities of what all the original sites would have been and then the second report there are other parts.

J. Crouse – The part I am not quite understanding perhaps is the two companies in question are missing significant coverage, but does that mean that if Verizon is only missing a small part we shouldn't be more interested Verizon to complete their coverage of the town?

M. Hutchins – If we had a facility in the overlay district location that could have been Verizon or Nextel. When I was looking at possible alternate locations but I did not specifically look at what Verizon has for the town. You will get the same from other applicants.

J. Dube – The applicant hasn't refused to do anything. They haven't said no, we are not going to 95'. We need to see the balloons.

C. Blackstone – You have the ability to top trees and keep them maintained so that the display of the waves are not hindered by trees getting in the way. Can you do that?

D. Cote – We can to a limited point but only to our property line. Our issue is not the growth of the tree although it is a good point when you are that close to the edge. Our application addresses the fact that 10' above the canopy. We cannot put that equipment in that 10' space and make it work, and your town engineer stated that.

C. Blackstone – When we sit on this board it is up to us to analyze every angle and not enter into this conversation with an idea of how we think or what we feel without learning from you. We can't learn from you without asking questions.

D. Cote – We do understand that this is a learning process. It is hard when misinformation is presented to the board. We will give you the facts. If we didn't need the tower we wouldn't be here. If we didn't need the height we wouldn't ask for it.

T. Kinnon – How many companies are you designing the towers for location?

D. Cote – It is designed for 5, but there are 6 major carriers at 120'.

Motion made by T. Hoopes to have the next meeting on October 10, 2006 at 6:30pm seconded by B. Dunbar. Motion passed with all in favor.

Motion made by T. Hoopes to have the balloon test on September 30, 2006 with a wind date of October 1, 2006 at 9:00am, seconded by C. Blackstone. Motion passed with all in favor.

Motion made by T. Hoopes to adjourn at 10:00pm, seconded by C. Blackstone. Motion passed with all in favor.

Respectfully Submitted,

Jennifer M. Fortin
Secretary Pro-Temp